

18th September 2019

Bafana Msiwa

[...]

[...]

[...]

Dear Mr. Msiwa

ANTI-DOPING RULE VIOLATION: CONSEQUENCES: WRITTEN DECISION

Introduction

1. The South African Institute for Drug Free Sport (SAIDS) and all participants in sport are required to act in accordance with the South African Institute for Drug Free Sport Anti-Doping Rules 2019 (“the Rules”).
2. You have been notified of an Anti-Doping Rule Violation in terms of Article 2.1 of the Rules for the presence of Oxandrolone and its Metabolites 17 Epioxandrolone, Oxandrolone LT(17 β), 1-Androstenedione, Mesterolone M1(17 α -Methyl-5 α -androstane-3 α -ol-17-one, a Metabolite of Mesterolone, Prednisone and its Metabolite, 20 β -OH-Prednisone, Prednisolone and its Metabolite 20R-OH-Prednisolone, Furosemide in your “A” sample (sample number 4416133) collected on the 18th May 2019.
3. You were afforded (7) days from the email sent to you on the 18th June 2019 to dispute the adverse analytical finding but you failed to communicate same to SAIDS. a follow up email was sent to you on the 30th June 2019 and you failed again failed to respond.

BOARD MEMBERS: JUDGE L. MPATI (CHAIRPERSON), MR. G. ABRAHAMS, DR. H. ADAMS, MR. D. BAYEVER, DR. S. MANJRA, DR. M. PEENZE, DR. M. QOBOSE, MR. M. QUINN, PROF. L. SKAAL, DR. P. ZONDI, MR. K. GALANT (CEO)



4. SAIDS is required, in circumstances where there is no dispute¹:-
 - a. To issue a written decision confirming the commission of the Anti-Doping Rule Violation and the Consequences imposed.
 - b. To set out the reasons for the period of Ineligibility imposed and (if applicable) a justification as to why the maximum period of Ineligibility was not imposed.
 - c. To send copies of the decision to other Organisations, viz. Bodybuilding South African (IFBBSA) Bodybuilding International Federation (IFBB) and the World Anti-Doping Agency (WADA) with a right of appeal and to make Public Disclosure.

5. SAIDS has assessed the facts of your case, has arrived at a decision, and this letter sets out that decision and the reasons it has been arrived at.

The Anti-Doping Rule Violation

6. You have committed and are guilty of the Anti-Doping Rule Violation referred to above. In other words of the Anti-Doping Rule Violation set out in point 2.

Consequences

7. The Consequences that the Rules contemplate distinguish between Prohibited Substances that are Specified Substances and those that are not. The Consequences for the use of Prohibited Substances that are not Specified will in most instances include a four (4) year period of ineligibility. Where a substance is Specified the athlete can also be ineligible for such a period if SAIDS demonstrates that the Anti-Doping Rule Violation was intentional.

8. Where SAIDS does not demonstrate intentional use then the period of ineligibility the Rules provide for is two (2) years. The period of two (2) years can be reduced in certain specified circumstances which require you to show that you bore no significant fault or negligence here.

¹ Article Rule 7.10.3 of the Rules

9. SAIDS considers that in these circumstances the appropriate Consequences should be a period of *Ineligibility* of four (4) Years. You were provisionally suspended, therefore your period of suspension would be effective from the date of notification of your adverse analytical finding i.e. 13th June 2019.

10. The reasons for the imposition of these Consequences are that: -

- a. The substances in question Oxandrolone and its Metabolites 17 Epiroxandrolone, Oxandrolone LT(17 β), 1-Androstenedione, Mesterolone M1(17 α -Methyl-5 α -androstan-3 α -ol-17-one, a Metabolite of Mesterolone, Prednisone and its Metabolite, 20 β -OH-Prednisone, Prednisolone and its Metabolite 20R-OH-Prednisolone, Furosemide a Non-Specified Substance;
- b. SAIDS is not required, in the circumstances, to prove anything more than presence and no factors have been advanced by you that would suggest there is a basis for reducing the period of ineligibility and doing so would be unfairly discriminatory toward other athletes
- c. There is no basis for SAIDS to conclude that you were not negligent in these circumstances.

Sanction Period

11. The period of ineligibility will be applicable as of 13th June 2019 until and including 12th June 2023.

12. You have a right to appeal this matter as per the below mentioned and the process is as follows:

- a) You must give notice of your appeal in writing to SAIDS to the SAIDS Legal Manager, Wafeekah Begg at e-mail address wafeekah@saisd.org.za within **21**

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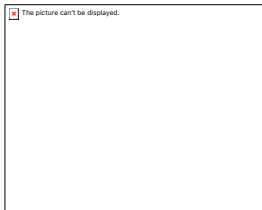
(twenty-one) days i.e. 21 calendar days as of the date of this notice, therefore should you want to appeal, your Notice of Appeal is due by the 17:00 on 9th October 2019;

- b) Your notice must incorporate or be accompanied by your grounds of appeal and must include an address (email, fax number, and/or street address) for SAIDS to provide you with an invoice in respect of appeals **(the appeal fee is R1000.00)**;
- c) Upon receipt of the notice and grounds SAIDS will provide you an invoice in respect of the appeal and the appeal fee must be paid and proof of payment provided to SAIDS within **seven (7) days** of the date of the invoice;
- d) The failure to comply with these procedural rules will mean the appeal will not proceed.

13. The appeal hearings may be heard in Johannesburg or Cape Town or Durban. You need to confirm with us which of the regions will be suitable for you should the appeal proceed.

14. Please acknowledge receipt of this letter.

Yours sincerely



Wafeekah Begg
(Legal Manager)